lation of the means employed. It is submitted that the true test for the existence of the former duty is the "holding out" whereas the true test for the existence of the latter duty is the exclusive control over the selection and manipulation of the means employed. Where the question of common carrier or not, arises collaterally, as in the principal case and in the interpretation of statutes, the "holding out" would seem the proper test. Where the question arises to determine the duty of care, as in the passenger elevator cases, the latter test is usually applied and the former ignored. It follows however, that it is error to hold, as has been done in many cases, the elevator a common carrier, but correct to hold the operator to the same duty of care as common carriers of passengers. In *Seaver* v. *Bradley,* 179 Mass. 329, a correct result was reached in holding that the owner of an elevator was not a common carrier. The question was whether a public statute, giving a remedy for the loss of life of a passenger by reason of the legligence of common carriers of passengers, could be invoked. The "holding out" test was correctly applied. On principle, since they have the same exclusive control, the duty of care of carriers for hire should be the same as the duty of care of common carriers of passengers. Whether a conveyance is engaged on the street or at a garage should make no difference. Accord with principal case are *Van Hoeffen* v. *Columbia Taxicab Co.,* 179 Mo. App. 591; *Primrose* v. *Casualty Co.,* 232 Pa. 210.

CONSTITUTIONAL LAW—STATUTE REGULATING RENTS.—In a case involving the validity of a rent statute in the District of Columbia intended to prevent rent profiteering during the period of the war, *held,* that since this statute favored the landlords with unrented, or building, apartments, the act was unconstitutional because discriminatory. *Willson* v. *McDonnell,* 265 Fed. 432.

Since the limitations on the legislative power of Congress as to the District of Columbia are the same as those to which the state legislatures are subject in regulating businesses in their respective commonwealths, the real question involved is whether or not the business of renting houses is "affected with a public interest," the basis upon which all regulation is said to rest. *Munn* v. *Illinois,* 94 U. S. 113; *German Alliance* v. *Lewis,* 233 U. S. 389. In the instant case a decision as to whether the business of renting of houses and apartments was so affected was unnecessary inasmuch as the statute was discriminatory; but since rent statutes have been passed in several states, such a decision as the present is a mere postponement of the necessity of deciding the fundamental question. For a full discussion as to when businesses may be said to be "affected with a public interest," see "Price Regulation under the Police Power," *supra,* p. 74.

CORPORATIONS—NO-PAR VALUE STOCK—VALUATION FOR FRANCHISE FEE PURPOSES.—A corporation was organized in Delaware under an act permitting corporations to issue stock without any nominal or par value, the statute stipulating that for franchise fee purposes such no-par value stock shall be taken at the par value of $100. After qualifying as a foreign corporation to do business in Michigan, the corporation objected to paying its franchise fee